

**Place**

- Raymond High School Media Center

**Call to Order**

- 7:00 p.m.

**Members Present**

- Jonathan Wood
- Harry McClard
- Steve Wallerstein
- Greg Bemis (Board of Selectmen Ex-officio)
- Gretchen Gott
- Don Hedman
- Carolyn Matthews

**Members Absent**

- None

**Staff Present**

- Ernest Cartier Creveling (Community Development Director)
- Robert Price (Assistant Planner)

**Pledge of Allegiance**

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**Election of Officers**

*Members Sitting for this Discussion: Jonathan Wood; Harry McClard; Steve Wallerstein; Greg Bemis; Gretchen Gott; Don Hedman; Carolyn Matthews.*

The meeting was called to order by Mr. Cartier Creveling in accordance with the Planning Board's Rules of Procedure, Article III, Section 3.100 (last revised May 13, 2010). It reads:

**3.100 PROCESS FOR ELECTING OFFICERS**

*During the first meeting following the annual Town Election, said meeting will be convened by the Community Development Director, who will then request nominations for the position of Chairman. The Community Development Director will then call for a vote on each person nominated in the order the nomination was received. This procedure will continue until a Member receives a majority vote. Once a Member has been elected as Chairman, said Member shall then conduct elections for the positions of Vice Chairman and Secretary, in the manner described above.*

Mr. Cartier Creveling called for nominations for the position of Chair:

- Mr. Wallerstein nominated Mr. Wood
- Ms. Gott nominated Mr. Hedman

The Board asked questions of both candidates for the position of Chair. Following the Q&A session, Mr. Cartier Creveling called for a vote. The Board took a vote first on Mr. Wood, as he received the first

nomination. Mr. Wood received four votes for the position of Chair. As a result, Mr. Wood was elected Chair of the Planning Board for the 2014-15 year.

Mr. Cartier Creveling turned over the meeting to Mr. Wood, who then took nominations for the position of Vice Chair:

- Ms. Matthews nominated Mr. Hedman
- Mr. Hedman nominated Ms. Matthews

The Board took a vote first on Mr. Hedman, as he received the first nomination. Mr. Hedman received six votes for the position of Vice Chair. As a result, Mr. Hedman was elected Vice Chair of the Planning Board for the 2014-15 year.

Mr. Wood then took nominations for the position of Secretary:

- Mr. Hedman nominated Mr. Wallerstein

Mr. Wallerstein received six votes for the position of Secretary. As a result, Mr. Wallerstein was elected Secretary of the Planning Board for the 2014-15 year.

Mr. Wallerstein stated he feels Board members should speak up more and be specific about certain things they want to see happen, or in giving direction to staff about something. As an example, Mr. Wallerstein stated the Board has had several instances where a good idea was raised and there were nods around the table, but then that idea goes nowhere. He suggested in the future, similar situations be formalized through a motion to take further action, followed by a vote.

#### **Public Hearing – Cozy Corner Drive-Thru Coffee Stand Site Plan**

*Application #2014-001 – A Site Plan Review application has been submitted by Paul Lynn on behalf of ADN Realty Trust. The applicants are proposing the placement of a coffee drive-thru building on an existing foundation at an existing retail plaza. The property is identified as Raymond Tax Map 29, Lot 12; 59 Route 27.*

*Members Seated for this Hearing: Jonathan Wood; Don Hedman; Steve Wallerstein; Greg Bemis; Gretchen Gott; Harry McClard; Carolyn Matthews.*

*Applicants/Agents Present: Paul Lynn, Applicant & Paul McCoy, Realtor.*

*Others Present: None.*

Mr. Cartier Creveling stated Application #2014-001 can be accepted as complete for review purposes.

**MOTION:** Mr. Hedman made a motion, seconded by Ms. Matthews to accept Application #2014-001 for review purposes. The motion carried with a unanimous vote of 7-0-0.

Mr. Cartier Creveling stated the applicant is proposing the placement of a 12' x 24' building on an existing foundation located on the corner of the Cozy Corner Shopping Plaza parking lot. He noted this particular development (the Cozy Corner retail plaza) has been built for a long time, and the foundation located at the southeasterly portion of the lot was placed long ago. The original approval for which the foundation was installed, was for a bank which never ended up being constructed. He suggested that, as a result of

the fact that this is an existing development with an existing walled foundation, regional impact does not apply.

MOTION: Mr. McClard made a motion, seconded by Mr. Hedman that Application #2014-001 does not have regional impact. The motion carried with a unanimous vote of 7-0-0.

Mr. Hedman asked for clarification that the Technical Review Committee discussed the fact that the currently-proposed use is not dissimilar to the originally-proposed use. Mr. Cartier Creveling confirmed.

Mr. Cartier Creveling read the Zoning Determination into the record, a copy of which is on file with the Community Development Department.

Mr. Cartier Creveling stated the plan presented was based upon an old site plan located in the Town's records. He added that the Applicant is depicting an area just large enough to show the traffic flow on the site and the area encompassed by the proposed coffee stand. He noted that the TRC allowed this design since the old plan is on file and there did not seem to be a need for the applicant to provide any additional information.

Mr. Hedman asked about the size of the existing foundation. Mr. Lynn approximated 24' x 40', adding that his building will use only 12' x 24' of that area.

Mr. Lynn noted he is proposing to have a walk-up window as well as a drive-thru.

Mr. McClard asked about the need for bathrooms inside the building. Mr. Lynn replied that is a requirement and added there is ample septic capacity.

Ms. Matthews asked if the sign shown on the building design rendering is compliant with zoning. Mr. Lynn replied that the building design rendering is only for artistic and informational purposes and is not to scale. He added anything he proposes will meet all requirements.

Mr. Bemis asked about proposed hours of operation. Mr. Lynn replied 5:00 a.m. to 7:00 p.m.

Mr. Bemis asked if the bathroom will be suitable for public use. Mr. McCoy stated that the engineer has performed a septic system reallocation so use of the bathroom will be okay. He also noted that the current allocation of water use on the septic system is less than in the past as the formerly largest water user is no longer present in the plaza.

Mr. Bemis asked about anticipated parking need. Mr. Lynn replied he does not expect that he will need much, adding he expects 95 percent of his customers to use the drive-thru. Mr. McCoy noted that the area of the parking lot proposed for this use sees very little activity on a daily basis.

Mr. Wallerstein stated it has been noted in the past that people are parking at Cozy Corner and walking across Route 27 to go to the Tuckaway Tavern & Butchery. He asked if there was any way to tell the overall effect of this situation on Mr. Lynn's proposed use. Mr. Lynn stated the Cozy Corner parking lot is posted as being for Cozy Corner customers only. He added that the presence of his business might help curb that situation.

Mr. Lynn noted he's spoken with similar operations about their daily business. One in Newmarket serves about 150-200 cars per day with a population of 8,000+. Another in Dover serves about 250-300 cars per day with a population of 30,000+. He stated he does not believe his operation will cause a significant impact on traffic in the area.

Mr. Wallerstein stated he is concerned that the area of the access drives for Cozy Corner and Tuckaway Tavern will become too busy to handle the addition of this business. Mr. Cartier Creveling stated traffic counts were deemed manageable and the TRC determined that traffic was not a concern especially considering the previous approval for this location was for a bank.

Ms. Gott stated the bank was proposed at a time when the Tuckaway Tavern did not exist. She stated the Tuckaway Tavern does not have sufficient parking area presently and added that the property owners have discussed a conceptual project in that area as well, which would seemingly add to an already complicated situation.

Mr. Lynn stated he does not believe he will draw as much traffic as the Board seems to be anticipating. He added that the Tuckaway Tavern does not have the right to utilize Cozy Corner's parking area for its own customers.

Ms. Gott asked how this project impacts the traffic light warrant for the Routes 27/156 intersection. Mr. Cartier Creveling stated any increases in traffic would have been taken into account under the original approval for the bank, which was never constructed.

Ms. Gott stated she is concerned that, since the Applicant was deemed a fast food restaurant, an expansion of the coffee and prepackaged foods could develop without anyone knowing. Mr. Cartier Creveling stated any expansion to the use as approved would require a revision to the applicant's business license with the State of New Hampshire, therefore it would be dealt with.

Mr. Wallerstein asked how many cars tend to utilize bank drive-thrus. Mr. Lynn replied it would depend on a number of factors but in this case, the TRC agreed that it would be more than the 150 per day he is proposing.

Mr. Bemis asked if the septic system contains a grease trap. Mr. Lynn stated the State of NH may require him to install one, which he will do if necessary.

Ms. Gott asked about the landscaping plan for the formerly-approved bank. Mr. Cartier Creveling stated the approved plan did not show landscaping for the bank. Mr. Lynn stated some landscaping has already been established, which he plans to improve with a few small things while maintaining and beautifying what's already in place.

Mr. Lynn stated he anticipates about a dozen cars per hour, with a maximum of two employees.

Mr. Bemis asked how orders will be taken. Mr. Lynn replied via intercom with menu signage.

Mr. Hedman asked about snow storage after the coffee stand is constructed. Mr. McCoy stated there is ample room on the site for snow storage that would not interfere with the coffee stand.

**PUBLIC COMMENT**

No comments were made regarding this application.

Mr. Wallerstein stated he wants to ensure people are not queued back onto Route 27. Mr. McCoy stated he thinks the Board will find that most traffic will take place in the early morning, well in advance of the Tuckaway Tavern opening at 11:00 a.m. He added that the parking lot is large and should prevent backup onto Route 27. Mr. Cartier Creveling stated if any issues arise, the Town would work with the applicant to address them.

MOTION: Mr. Hedman made a motion, seconded by Ms. Matthews, to approve Application #2014-001, a site plan for property owned by ADN Realty Trust subject to the following conditions:

The following conditions shall apply:

1. The conditions of approval designated as conditions precedent must be completed within six (6) months, unless otherwise specified, or this approval shall become null and void.

The following are conditions precedent:

- a. The applicant must obtain all required local, State and Federal permitting for the project, and provide copies of same to the Community Development Department;
  - b. All fees authorized to be charged to the applicant pursuant to the Raymond Site Plan Review Regulations including, but not limited to application fees, costs of special studies, and legal and engineering review, shall be paid by the applicant;
  - c. Deeds, easements, conservation easements, condominium documents, maintenance agreements, and any other legal documentation pertinent to this project shall be reviewed and approved by Town Counsel, and where applicable, the Board of Selectmen pursuant to RSA 41:14-a;
  - d. The applicant shall address, to the satisfaction of the Town's Review Engineer, any remaining engineering issues identified during peer review. Written concurrence, from the Town's Review Engineer and the Raymond Community Development Director, with the design corrections of any identified engineering issues shall be required prior to final plan approval.
  - e. A Performance Guarantee Agreement shall be executed between the Town of Raymond and the Applicant within 30 days (April 19, 2014). **Failure to execute the required agreement will result in plan approval revocation.**
2. The following items must be completed within twenty-four (24) months of the completion of conditions precedent for this project to constitute "active and substantial development or building" pursuant to RSA 674:39:
    - a. Completion of all proposed improvements.
  3. The following items must be completed for this project to constitute "substantial completion of the improvements" pursuant to RSA 674:39:
    - a. Completion of all proposed improvements.

4. Estimates for all improvements shall be provided by the Applicant for review and approval by the Raymond Public Works Director or his designee. These estimates will be utilized to establish an inspection escrow account (equal to 4% of the estimated cost of improvements), which must be in place with the Town of Raymond prior to the start of any site work. Additionally, these estimates will be used as the basis for computing the Surety/Performance Bond to be provided by the Applicant in favor of the Town of Raymond prior to the issuance of a Certificate of Occupancy by the Raymond Code Enforcement Officer. Surety/Performance Bond values shall be based upon the value of unfinished work at the time of the issuance of a Certificate of Occupancy, plus a 10% contingency.

DISCUSSION ON THE MOTION: MOTION: Mr. Wallerstein made a motion, seconded by Ms. Matthews for discussion, to amend the Conditions of Approval by adding a condition which reads:

- At no time shall a queue of vehicles be permitted to back up onto Route 27.

DISCUSSION ON MR. WALLERSTEIN'S MOTION TO AMEND: Ms. Matthews expressed concern that the proposed additional condition is both not controllable and not allowed by any existing regulation. Ms. Gott stated people have been asked in the past to control traffic on their sites, so a precedent is in place for that. Mr. Wood stated when the Circle T Car Wash was constructed, traffic heading to the abutting Dunkin Donuts drive-thru was routed around the back of the car wash. The reason for this design was to alleviate traffic backup onto Freetown Road. Mr. Cartier Creveling stated he does not see any harm in adding such a condition because at worst, it would prompt the Planning Board to review the situation if an issue arises. Mr. Wallerstein stated he is simply trying to make sure there is some sort of protective measure in place. Mr. Cartier Creveling suggested adding a condition instead that would allow operation throughout the summer to see if any issues do arise. If one does, then the applicant would be required to return to the Planning Board. If not, then the TRC or he as Community Development Director could write a letter to the file indicating that no traffic issues arose, which would then make it so the applicant would not have to return to the Board. He added that the TRC reviewed the plan and traffic was not mentioned as a potential concern. He added that the TRC reviewed the Dunkin Donuts/Car Wash plan years ago and added that the current traffic pattern on that site came from TRC discussions. Mr. Hedman stated he has a problem with this entire discussion, adding that he feels the Planning Board is second-guessing the TRC. He added there is a motion on the floor that has been seconded, and the Board needs to act. Ms. Gott stated painting defined lanes to help manage traffic flow on the site may help and be least-intrusive. VOTE ON MR. WALLERSTEIN'S MOTION TO AMEND: The motion failed with a vote of 2-5-0, with Mr. Wood, Mr. Hedman, Mr. McClard, Ms. Matthews and Mr. Bemis opposed.

VOTE ON THE ORIGINAL MOTION AS MADE BY MR. HEDMAN: The motion carried with a unanimous vote of 7-0-0.

#### **Appointment of Planning Board Members to the CIP Committee**

Members Seated for this Discussion: Jonathan Wood; Don Hedman; Steve Wallerstein; Greg Bemis; Gretchen Gott; Harry McClard; Carolyn Matthews.

MOTION: Mr. Wood made a motion, seconded by Mr. McClard to appoint Mr. Hedman and Ms. Gott to the CIP Committee as Planning Board representatives for the 2014-15 year. The motion carried with a unanimous vote of 7-0-0.

Mr. Wood announced that the Planning Board is seeking two Members-at-Large to serve on the CIP Committee. He noted that one (1) 1-year term (expires April 30, 2015) and One (1) 3-year term (expires April 30, 2017) are available. The Planning Board requested that an advertisement be posted on Channel

22, placed on the Town's web site and also sent to the "Raymond Area News" and "This Week in Raymond" websites.

**Approval of Minutes**

*Members Seated for Approval of Minutes: Jonathan Wood; Don Hedman; Steve Wallerstein; Greg Bemis; Gretchen Gott; Harry McClard; Carolyn Matthews.*

**MOTION:** Mr. McClard made a motion, seconded by Mr. Hedman to approve the minutes of March 06, 2014 as drafted. The motion carried with a vote of 5-0-2, with Mr. Bemis and Ms. Matthews abstaining.

**Other Business – Staff Update, Board Reports & Other Discussions**

*Members Seated for this Discussion: Jonathan Wood; Don Hedman; Steve Wallerstein; Greg Bemis; Gretchen Gott; Harry McClard; Carolyn Matthews.*

The Planning Board discussed the wording of the Public Comment section of the agenda, specifically the parenthetical note afterward that reads "(without comment from the Planning Board)."

**MOTION:** Mr. Hedman made a motion, seconded by Ms. Gott to remove the statement "(without comment from the Planning Board)" from the agenda. The motion failed with a vote of 2-5-0, with Mr. Wood, Mr. Wallerstein, Mr. Bemis, Mr. McClard and Ms. Matthews opposed.

Mr. Price stated he will soften the language by indicating instead that the Planning Board cannot respond to comments made regarding specific properties, projects or applications.

Mr. Cartier Creveling gave a presentation to the Planning Board about tackling a few Master Plan Goals & Objectives with one possible project and a suggestion to simplify the Town's Land Development Regulations.

The Planning Board heard reports from its members serving on other Boards and Committees.

Mr. Price announced that the Planning Board will be taking up a Lot Line Adjustment application for an area on Ferndale Road at its next meeting. He noted one of the properties involved is a 300+ acre parcel owned by the Town known as Cassier Forest. He stated Legal Counsel has suggested that the Town announce that they will be notifying only the abutters located immediately across the street from the "land under consideration" as defined in the term "abutter" in RSA 672:3. The Town will not be notifying everyone abutting the Cassier Forest parcel. In addition, properties located within 200 feet of the applicant's (not the Town's) properties, will be notified as well.

**Adjournment**

**MOTION:** Ms. Matthews made a motion, seconded by Mr. McClard to adjourn. The motion carried with a unanimous vote of 7-0-0. The meeting adjourned at approximately 8:32 p.m.

Respectfully submitted,

Robert Price  
Assistant Planner